

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT FOR THE**
9 **EASTERN DISTRICT OF CALIFORNIA**

10
11
12
13 TROY X. KELLEY,
14 Plaintiff,
15 v.
16 DAVID BREWER,
17 Defendant.

Case No.: 2:22-cv-01777 DJC CKD (HC)

ORDER

18
19 Plaintiff has filed a Motion for Reconsideration of the Court's May 15, 2023
20 Order. (ECF No. 19.) However, Plaintiff also previously filed a notice of appeal of this
21 order (ECF No. 18.) The Ninth Circuit has confirmed receipt of this appeal (ECF No.
22 20). As such, this Court no longer has jurisdiction over this matter as a notice of
23 appeal regarding this matter has been filed. *Natural Res. Def. Council, Inc. v.*
24 *Southwest Marine Inc.*, 242 F.3d 1163, 1166 (9th Cir. 2001) ("Once a notice of appeal
25 is filed, the district court is divested of jurisdiction over the matters being appealed.")

26 ///
27 ///
28 ///

1 Accordingly, Plaintiff's Motion for Reconsideration (ECF No. 19) is DENIED.
2

3

4

5 **IT IS SO ORDERED.**

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Dated: June 2, 2023

/s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA
UNITED STATES DISTRICT JUDGE